

REMARKS

Claims 1-11 and 13-14, 18-25 and 32-51 are currently pending.

Interview Summary:

A telephonic interview was conducted with Examiner Azpuru on June 22, 2005. During that interview, the Examiner and Applicants representative, Andrea Small, discussed the rejections set forth in office action mailed 5/24/2005. The following determinations were made:

- (a) An argument indicating that under section MPEP 804(I)(B) regarding provisional double patenting rejections between co-pending applications, the Examiner would permit the instant case to issue and make the provisional double patenting rejection in 10/718,404 a double patenting rejection.
- (b) The Examiner agreed with Applicant and indicated barring any other art that may be found upon a supplemental search, such an argument would be found to be persuasive and the case would be placed in condition for allowance.

The Applicants would like to thank the Examiner for his courteous manner and helpful suggestions offered during the interview.

"Provisional" Double Patenting:

Claims 1-10, 18-25 and 32-34 are rejected as being unpatentable over claims 1-4 of co-pending application 10/718,404. Applicants respectfully traverse.

MPEP 804(I)(B) states:

"If the 'provisional' double patenting rejections in both applications are the only rejections remaining in those applications, the examiner should then withdraw that rejection in one of the applications (e.g., the application with the earlier filing date) and permit the application to issue as a patent. The examiner should maintain the double patenting rejection in the other application as a 'provisional' double patenting rejection which will be converted into a double patenting rejection when the one application issues as a patent."

Instantly, the only rejection remaining in the instant application is the provisional double patenting rejection, hence, the examiner should withdraw the rejection in the instant application and permit the application to issue as a patent. The examiner should then maintain the double patenting rejection in the other application as provisional which will be converted into a double patenting rejection when the instant application issues as a patent.

AMENDMENT
U.S. Appln. No. 09/975,418

In view of the above remarks, Applicants respectfully submit that this application is now in condition for allowance and earnestly request such action.

If any points remain at issue which can best be resolved by way of a telephonic or personal interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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